

### REMARKS

In the Office Action dated February 27, 2004, claims 1-3 and 5-20 were rejected under 35 U.S.C. § 102 over U.S. Patent No. 6,412,004 (Chen); and claim 4 was rejected under § 103 over Chen in view of U.S. Patent No. 6,360,262 (Guenthner).

Claims 1, 3, and 13-20 have been cancelled, without prejudice, to render the rejection of those claims moot.

Claim 4 has been amended from dependent form to independent form, with the scope of the claim remaining *unchanged*. Claim 4 was rejected as being obvious over Chen and Guenthner. As conceded by the Office Action, Chen does not disclose that the streaming media client receives setup information from one of the plurality of streaming media servers. However, the Office Action relied upon Guenthner (specifically Figure 4B of Guenthner) as teaching the missing element.

Applicant respectfully submits that there is no motivation or suggestion to combine the teachings of Chen and Guenthner. Chen describes an arrangement in which a metasever receives a request from a client, and in response to the request, the metasever supplies the *client* computer with a list of possible multimedia servers. Chen, 10:19-25. In response, the client computer connects to the first available server from the list of eligible multimedia server names. Chen, 10:27-29. In other words, in Chen, it is the client that has to select a server from a list provided by the metasever to the client. This necessarily means that the client has to first perform selection of a multimedia server, before the client can establish any type of communication between the client and the multimedia server. The opposite is performed in Figure 4B of Guenthner, which refers to a web client sending a request for a resource object to a resource router, which then forwards the request to a server. The server then sends its response back to the client. Guenthner, 4:64-5:6. The procedure in Figure 4B of Guenthner would violate the teachings of Chen, which requires that the metasever first sends a list of possible multimedia servers to the client so that the client can pick the multimedia server to connect to for retrieving multimedia content (Chen, 6:41-49). It is well established that a proposed modification of a prior art reference cannot render the prior art reference

unsatisfactory for its intended purpose. *See* MPEP § 2143.02 (8<sup>th</sup> ed. Rev. 1) at 2100-127. "If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification." *Id.* (citing *In Re Gordon*, 733 F.2d 900, 221 U.S.P.Q. 1125 (Fed. Cir. 1984)). Here, the proposed modification of Chen by the Guenther Figure 4B arrangement would render the Chen system unsatisfactory for its intended purpose of enabling the client to select a multimedia server from a list of multimedia servers provided by a metasever. Therefore, it is respectfully submitted that there is no motivation or suggestion to combine Chen and Guenther. In view of the foregoing, it is respectfully submitted that a *prima facie* case of obviousness has not been established with respect to claim 1 over the asserted combination of Chen and Guenther. Withdrawal of the obviousness rejection is therefore respectfully requested.

Independent claim 21 recites a master server receiving a user request for a media file from a streaming media client, the master server selecting (based on the user request) one of a plurality of streaming media servers for handling the user request, and the master server sending to the selected one of the plurality of media servers, a request to enable the selected streaming media server to send information to the streaming media client for establishing a streaming session between the streaming media client and the selected media server.

Chen does not disclose sending a request from the master server to the selected one of a plurality of streaming media servers to enable the selected streaming media server to send information to the streaming media client. As discussed above, Chen describes a metasever that provides a list of possible multimedia servers to a client to enable a client to select which multimedia server to connect to. Therefore, claim 21 is not anticipated by Chen. Additionally, for reasons similar to those given above with respect to claim 4, there is no motivation or suggestion to combine the teachings of Chen and Guenther to achieve the invention of claim 21.

Claim 28 recites a system that has an interface to receive a user request for a media file from a streaming media client, and a module to select, based on the user request, one of the plurality of streaming media servers separate from the system for handling the user request. Claim 28 further recites that the module also sends, to the


selected one of the plurality of media servers, a request to enable the selected streaming media server to send information to the streaming media client for establishing a streaming session between the streaming media client and the selected streaming media server.

For reasons similar to those for independent claim 21, claim 28 is not anticipated by Chen. Also, there is no motivation or suggestion to combine Chen and Guenther to achieve the invention of claim 28, for reasons similar to those given with respect to claim 4.

Claims dependent from independent claims 4, 21, and 28 are allowable for at least the same reasons as corresponding independent claims. Therefore, allowance of all claims is respectfully requested. The Commissioner is authorized to charge any additional fees, including extension of time fees, and/or credit any overpayment to Deposit Account No. 08-2025 (200308253-1).

Respectfully submitted,

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